

planning supplement to background

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The Honourable Bernard Grandmaître
Minister

Glenn Thompson
Deputy Minister

G. Milt Farrow
Asst. Deputy Minister

October 15, 1985

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A MESSAGE FROM THE MINISTER

I want to hear what you have to say about all our programs, activities and educational efforts. I am committed to the idea of community improvement both in the physical and administrative sense. Now that the Planning Act has been around in its current form for two years, I am also anxious to hear from you about how it has been working.

I look forward to your comments and if you desire I will closely examine the Planning Act to see if legislative amendments can be made to make the process a smoother one for those responsible for planning in our communities.

Let us establish a regular dialogue and an agreement to work together towards better communities and administrative organizations.

(Extract from the remarks of the Honourable Bernard C. Grandmaître to the Association of Municipalities of Ontario, in Ottawa on August 26, 1985)



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NORTHERN PLANNING BOARDS ARE ALIVE AND WELL

In our zeal to warn municipalities about to lose joint official plan coverage that some action was needed on their part, we boldly stated in July that all joint official plans ceased to exist on August 1, 1985. It ain't so. The abolition of planning boards affects only the southern part of the province. In northern Ontario, several of our northern readers want it to be known, 25 planning boards continue to exist. The planning areas served by these boards are broader than an individual municipality. Eight of them cover two or more municipalities; eight cover two or more municipalities as well as some territory without municipal organization; eight planning areas consist of a single municipality accompanied by some territory without municipal organization. One planning area north of Sault Ste. Marie, believe it or not, consists entirely of territory without municipal organization (32 geographic townships, in fact).

The last planning board to have been created, in 1983, consists of one municipality - the Township of Temagami - and approximately 1,200 islands within Lake Temagami, which are without municipal organization.

All of these planning boards have official plans either in effect, in some cases since the 1960's or in preparation. Rest assured that these official plans are not abolished by the Planning Act, 1983. They remain the applicable guidelines for development within these planning areas.

Three factors led the Province to retain joint planning boards in northern Ontario. First, except in the Sudbury area, there is no county or regional municipal level of government as in southern Ontario. As such, there is no form of government, except the planning boards, whereby municipalities can coordinate their development, attack common development-related problems, or talk out disputes.

Secondly, planning boards are well suited to expressing the neighbouring municipalities' interests in the unorganized territories surrounding many northern towns and cities. These territories would otherwise have no local authority to assist the Province in planning and controlling the development which is attracted by their relatively low level of taxation and regulation.

Finally, the continued existence of northern joint planning boards helps to compensate for the small populations of many northern municipalities, enabling

them cooperatively to hire technical expertise and undertake projects which none could afford individually. Several of the 25 planning boards have one or more full-time employees.

Planning boards do more than adopt and monitor official plans. Eight boards (soon to be ten) help the Ministry of Municipal Affairs to administer zoning orders which apply to the unorganized portions of their planning areas. Minister's zoning orders are like zoning by-laws under Section 34 of the Planning Act, but are imposed upon unorganized territory by the Minister, upon local request. In two cases - Manitoulin and Sault Ste. Marie North - the Minister has designated the planning board secretary-treasurers as Provincial Offences officers, in order to bring more local expertise (as well as Part I of the Provincial Offences Act) to bear on zoning enforcement.

The Minister has the authority to grant severances (consents) throughout the north, except in the four cities and in the Regional Municipality of Sudbury, but he may delegate this authority to planning boards. Fourteen planning boards have in fact been given consent-granting authority. Several others are now considering asking the Minister to delegate this authority to them once such conditions as an approved official plan, suitably-qualified staff, and efficient procedures, are in place.

In addition to these duties, planning boards undertake a variety of studies and projects on behalf of the constituent municipalities and residents of unorganized territory. One board is administering the Ministry of the Environment's program of financial assistance for the upgrading of private sewage disposal and water supply facilities, for the benefit of an unorganized community within the planning area. Another board has been asked to host a workshop on a topic of common concern for its constituent municipalities, namely, solid waste disposal. In the Black River-Matheson area, the Planning Board and the Economic Development Committee have teamed up to keep their finger on the pulse on some very promising exploration for gold on the periphery of the planning area. As a final example among many, the Tri-Town (Cobalt-Haileybury-New Liskeard area) Planning Board recently hosted a seminar dealing with "cultural tourism" including conservation of historical buildings, improvement of main street facades, and development of small-town museums.

THE NIAGARA ESCARPMENT PLAN: A COMMITMENT ASSURED

The Ontario government's commitment to the conservation of the Niagara Escarpment was realized in June, 1985 with the approval by Cabinet of a Plan for the Niagara Escarpment. The Plan is designed to conserve significant natural and cultural areas while providing consistent land-use policies to direct planning initiatives within the 1,903 square-kilometre Escarpment Plan area. Planning for the future of the Niagara Escarpment is seen as a team effort, with three ministries and two agencies responsible for various components of Plan implementation. The Ministry of Municipal Affairs has assumed the functions of the former Provincial Secretariat for Resources Development and, as such, has a pivotal role in co-ordinating the Plan implementation and monitoring process as well as being responsible for the Niagara Escarpment Commission and the Niagara Escarpment Planning and Development Act. Working closely with the Ministry of Municipal Affairs, the Niagara Escarpment Commission will process amendments to the Niagara Escarpment Plan and will continue to administer the development permit system until delegation occurs.

The main objective of the Ministry of Municipal Affairs and the Niagara Escarpment Commission over the next few years is to ensure the smooth transition of authority to municipal governments by reflecting Niagara Escarpment Plan policies in municipal official plans and by transferring control of development to the municipal level.

The following are some highlights of the Niagara Escarpment Plan implementation.

CONFORMITY OF OFFICIAL PLANS

- The Niagara Escarpment Plan will be incorporated into Official Plans by way of a ministerial order provided for in Section 15(2) of the Niagara Escarpment Planning and Development Act subject to the Minister of Municipal Affairs seeking the support of the affected municipalities before proceeding.

DELEGATION OF DEVELOPMENT CONTROL

- The current development permit system will be delegated expeditiously to upper-tier municipalities which express a desire to assume the responsibility and which meet the criteria established by the Minister.

- The Niagara Escarpment Planning and Development Act will be amended to permit local municipalities with conforming Official Plans to administer the development permit system; or, alternatively to use traditional zoning and site plan controls under the Planning Act.
- The Niagara Escarpment Commission will continue to administer the development permit system until its delegation.

NIAGARA ESCARPMENT PARKS SYSTEM

- A 92,000 acre (51,093 hectare) Niagara Escarpment Parks System has been established consisting of 105 Parks including 11 newly-created Provincial Parks. The Ministry of Natural Resources is co-ordinating the parks component of the Escarpment land acquisition program and has compiled a ten-year priority acquisition list of lands required to complete the parks system.
- The Bruce Trail is recognized as an essential component of the Niagara Escarpment Parks System linking parks and natural features. Securing a continuous route for the Bruce Trail will be accorded the same priority as establishing the Niagara Escarpment Parks System.
- A Niagara Escarpment Committee has been established within the Ontario Heritage Foundation to administer a \$2.5 million Niagara Escarpment Fund which will be used to secure land required to complete the Parks System. In addition, the Committee will coordinate a program of Heritage Protection and Land Stewardship aimed at fostering an awareness of the Niagara Escarpment as a feature worthy of preservation.

MINERAL AGGREGATE POLICY

In order to preserve the Niagara Escarpment as a continuous natural feature, mineral aggregate extraction has been limited in the following ways:

- Wayside permits will not be issued for provincial road construction projects in the Escarpment Natural and Protection Area designations.
- New licensed pits and quarries producing over 20,000 tonnes will only be permitted in areas designated Escarpment Rural and only following an amendment to the Plan.

- Provision has been made for wayside pits or wayside quarries for municipal road construction purposes in Escarpment Protection and Rural designations.

The Ministry of Municipal Affairs is currently producing a consolidated Niagara Escarpment Plan which is slated for release in November.

The Ministry and the Niagara Escarpment Commission staff are planning to meet with municipalities later this year and early next to discuss implementation proposals.

Anyone requiring any further information may contact the Niagara Escarpment Commission or the Niagara Escarpment Implementation Team - a special group recently set up within the Plans Administration Branch, Central and Southwest, of the Ministry of Municipal Affairs. Members of this group may be contacted through Mr. Paul Ross, Manager, at 585-6028.

INFORMATION EXCHANGE

Long range planning departments are reminded that this is their column. Please keep the summaries coming!

1. Downtown St. Catharines Improvement Program and Streetscape Study, December 1984
John C. Williams, Consultants Limited

A study commissioned by the City of St. Catharines as part of the Provincially subsidized Commercial Area Improvement Program (C.A.I.P.). The Study's principal objective is to identify a marketing position for Downtown St. Catharines and to develop strategies in support of that objective. The Study examines Downtown in terms of:

- marketing gaps and opportunities
- improving the quality of existing retail development
- improving the physical environment (including farmers' market, streetscape, pedestrian walkways and architectural guidelines)
- parking and traffic
- tourist attractions.

Finally, the Study provides a cost/benefit analysis.

Contact: Stephen Bedford, Implementation, Mgr.
(416) 688-5600

2. Condominium Monitor '85
City of Toronto Plg. and Dev. Dept., August 1985

A detailed survey of condominiums in the City of Toronto as to average sale price, frequency of sales, rental rates, location by municipal address, unit size, occupancy characteristics and future trends.

Contact: Mrs. Audry Gabriel, Research and Information Section, (416) 947-7185

3. Cost-Revenue Analysis by Urban Service Area
City of Thunder Bay Community Planning and Development Division - January, 1984

The study investigated and compared the costs of urban, suburban, and rural residential development in the City of Thunder Bay versus the taxation revenues received for the year 1981; the basic conclusion being that residential development did not appear to be paying for itself. This information was used as a basis for a policy decision whether to allow greater development in the rural area of Thunder Bay. Topics covered include methodology, study assumptions, data requirements and problems, detailed municipal expenditure and revenue comparisons by residential development type and an analysis of the implications of the study findings for expanded rural development. This study is a useful resource for all persons concerned with the municipal cost implications of residential development. (88 p.; \$4.00)

Contact: Murray Armstrong, Principal Planner
(807) 625-2527

PLANNING AND THE LAW

COTTAGE DEVELOPMENT VERSUS LAKE TROUT IN FARADAY TOWNSHIP

Jeffrey Lake in the Township of Faraday is a relatively deep lake of about 42 hectares (17 acres) with 47 cottages and 12 to 16 vacant lots on its shores, occupying in total slightly less than half the shoreline. A proposal for subdivision of 11 hectares, creating eight lakefront lots and six back lots, was supported by the township and the County of Hastings. Appropriate official plan and zoning amendments were introduced in 1984.

Opposition to the proposal came from the ministries of Natural Resources and the Environment and from the Association of Bancroft Cottagers. The various planning documents became the subject of a municipal board hearing. The concern of the two ministries centered on the impact on the habitat of lake trout. The cottagers echoed this concern and had additional concerns about overuse of the lake.

The Board noted that lake trout are not listed as an endangered species, nor are they specifically protected by federal or provincial statute or regulation. There has been no policy statement issued by the Minister under the Planning Act and no declaration of a provincial interest likely to be adversely affected. Reference was made to various provincial publications dealing with water management and water quality.

The Board discussed the available evidence on lake trout at some length. The north section of North America is the only place in the world where lake trout are found naturally. Only 1 per cent of Ontario's lakes are capable of supporting lake trout. Fifty of these lakes are in the Bancroft area. The Ministry position is that the optimal lake trout habitat of Jeffrey Lake is extremely sensitive to increases in shoreline development. The land-owner's limnologist gave his opinion that the lake could withstand the proposed development and still remain an excellent trout lake. The Board expressed admiration for the knowledge and integrity of the various expert witnesses and stated that it boiled down to a question of where the line is drawn.

On balance, the Board was satisfied that the volume of lake trout habitat would be reduced by the development, probably to a significant extent. It found the position of the ministries to be in the public interest, it had doubts regarding the conformity of the development with the official plan because of the environmental issues and concluded that it offended Section 50(4)(h) of the Planning Act dealing with the conservation of natural resources. On March 13, 1985, the various approvals were withheld.

Source: Decision of the Ontario Municipal Board
Bancroft Lumber vs M.O.E. etc.
Files S840011, 0840073 and R840171
O.P. amdt 115, County of Hastings; zoning by-law 9-84, Township of Faraday.

WAYSIDE PITS IN LAXTON,
DIGBY AND LONGFORD

When the first comprehensive zoning by-law for the United Townships of Laxton, Digby and Longford went before the O.M.B. for a hearing, the major topic of discussion was the treatment of wayside pits. The area is sparsely developed, being about one third Indian Reserve, one third Crown Land and one third agricultural land with a few hunting camps and trailer parks and some cottage development around lakes.

The Ministry of Transportation and Communications objected to the section entitled "Pits and Quarries" in the by-law, which states:

"No pit or quarry shall be established or made in any area of the Corporation except in a zone where a pit or quarry is included under the heading 'Uses Permitted' in the by-law. Notwithstanding any other provision of this by-law, a wayside pit or quarry not in excess of two (2) hectares shall be considered to be a permitted use except in a residential zone."

The ministry was concerned that, since the known deposit in the area was fairly thin, an area of wayside pit larger than 2 hectares would be required for its capital works in the forthcoming three years. The 2 ha limit was asked to be removed.

Deletion of the size limit was supported by the planner for the County of Victoria but counsel for the townships explained the municipality's concern for the impact on local roads and their rehabilitation when the pits are depleted. He was also concerned about the impact on the surrounding land uses.

Both parties agreed that the area was not covered by the Pits and Quarries Control Act. Under that Act, wayside pits are permitted by licence from the Ministry of Natural Resources. No municipal control is authorized.

M.T.C.'s representative, Dennis Billings, outlined the ministry's procedure in dealing with wayside pits:

1. The Ministry issues a letter of approval to the contractor, contingent on a satisfactory plan of extraction and rehabilitation being prepared.
2. The Ministry requests comments from the local municipality. On cross-examination, Mr. Billings stated that if a municipality wanted to review the extraction plans, the Ministry would let it do so.

3. Once a plan acceptable to the Ministry is proposed, the plan becomes part of the contract and is binding. Mr. Billings stated that it has never happened that a plan of extraction and rehabilitation satisfactory to the Ministry and the municipality has not been capable of being formulated; in saying this, he avoided answering, on two occasions, a question as to whether the Ministry could proceed without municipal approval of such plans. He finally did indicate that, indeed, the Ministry could proceed in such circumstances.
4. The Ministry guarantees that if municipal roads are used as haul routes, road maintenance and rehabilitation will be carried out to their original condition.
5. If a contractor fails to perform and abandons the job, the Ministry will do the rehabilitation work out of holdback monies.

The township was concerned that it would have no way of enforcing the obligations of the contractor and that it would have to pay for road repairs resulting from heavy truck use and would have no control over the pit operations themselves.

In response, reference was made to the provision dealing with wayside pits and quarries in the government policy on mineral aggregate planning, adopted by Cabinet on December 22, 1982:

"3.3. - Zoning By-laws shall permit wayside pits and quarries in all zoning categories, except in zones which are established to recognize existing development or areas of particular environmental sensitivity, where wayside pits and quarries may be prohibited".

The Board found that the exceptions had no application in the subject by-law.

On May 1, 1985, in approving the by-law, the Board deleted the words "not in excess of 2 hectares" applicable to wayside pits or quarries.

Source: Decision of the Ontario Municipal Board
Zoning By-law 32-83, United Townships of
Laxton, Digby and Langford
File: R831686

CONFERENCES

1. NORTHEASTERN ONTARIO PLANNING CONFERENCE - SEPTEMBER 19-21, 1985

Almost 200 delegates explored the "Access" theme with the help of two plenary sessions, thirteen workshops and two cruises in Parry Sound. Access issues ranging from water access subdivisions to digging up mainstreet during downtown renewal work spurred workshop discussions by municipal and planning board representatives. These workshops emphasized practical considerations that delegates could take in working with access issues.

In overviewing the history of road development in northeastern Ontario, Ron Brown (Community Renewal Branch officer and author of **Backroads of Ontario**) suggested local approaches to roads which would foster economic development.

Thirty-five delegates arriving early on the afternoon of September 19 learned from John Jackson about the waterfront redevelopment program in Parry Sound and enjoyed a tug boat cruise.

The 1986 conference will be held in Wawa.

2. NORTHWESTERN ONTARIO PLANNING CONFERENCE - SEPTEMBER 12-13, 1985

The Honourable B. Grandmaitre, Minister of Municipal Affairs, told delegates at the third annual Northwestern Ontario Planning Conference in Thunder Bay "The best planners are facilitators. They work towards positive implementation of their ideas and assist other people to achieve their goals."

Over 100 representatives of municipalities, planning boards and provincial agencies attended seminars designed to enhance their abilities as facilitators on topics ranging from preparing zoning by-law amendments in-house to opportunities for waterfront improvement. Delegates agreed that one of the highlights of the conference was the cruise on the Kaministiquia River to view erosion control problems and solutions.

NEWS FLASHES

o Grey County Industrial Development Strategy

The Minister of Municipal Affairs has announced the award of a community planning grant of \$9,457 to the County of Grey for the preparation of an industrial development strategy.

- o Economic Growth Strategy for Middlesex County

The County of Middlesex has received a community planning grant of \$29,750. The grant will be used to develop a strategy for economic growth and job creation in sectors of the economy which offer the greatest growth potential

- o Site Plan Control - Last Call!

January 1, 1986 is the date when the site plan control section of the Planning Act, 1983 becomes effective. Municipalities without approved official plan policies to allow the use of site plan control will be unable to use this planning tool after that date.

Staff of the Community Planning Wing are available to help develop the required official plan policies. Also, Guideline 9 on Site Plan Control may be obtained from the Office of Local Planning Policy, 13th floor, 777 Bay Street, Toronto (416) 585-6231.

- o Alternative Energy in the Wind

Solar energy, biomass, photovoltaics, cogeneration. Which of these will be the buzz-word of the late eighties in the alternative energy field? Judging from current literature it is none of the above. Wind power is the subject of most of the discussion. If you hear of a proposal for a windfarm in your area, don't assume it is for a new council chamber. If developments in California and Europe are any indication, there may well be windmills in your future.

- o "An Introduction to Community Planning"

This is a slim volume available from the Ontario Government Bookstore for \$5.00. It does not delve into the complexities of the Ontario legislation but sticks to the basics, including a glossary of planning terms. A different publication, due out around Christmas, will focus on how planning is organized in Ontario. It is tentatively titled: "A Citizen's Guide to the Planning Process."

- o Killer Trees Assassinate Greedy Land Developer
. . . Because He Killed Their Friends

Otto Freileinger, a retired Wiesbaden, West Germany, land developer, was found dead "with a strand of ivy strung tightly about his throat --

and leaves scattered on the floor." His landlady said Freileinger had been involved lately in several accidents having to do with plants -- falling branches, cactus spikes, and poisonous herbal teas. Apparently the plants that had been ravaged by Freileinger's wanton destruction of trees (for his real estate projects) somehow informed other greenery, and when he retired, the vegetation on his estate was waiting.

The above item from the "National Examiner" was recently reported in "Planning", the magazine of the American Planning Association.

HISTORICAL NOTE

Is planning a trivial pursuit? Stock your memory with these historical notes compiled by Curt Halen.

Part 1: Pre World War I

1. In late October, 1783, John Collins began the process of surveying Upper Canada, an essential first step to orderly settlement of Ontario.
2. Late eighteenth century warnings against the ad hoc extension of the original 1783 town site for Toronto went unheeded. Soon the burgeoning new capital of Ontario was known far and wide as "Muddy York". The town administrator, Peter Russel, feared it would forever remain "an ugly, miry, unhealthy swamp".
3. In 1912 the Ontario Legislature enacted the City and Suburbs Act. It established a system of subdivision control (a first for Ontario), but applied only to the Cities of Hamilton, Ottawa and Toronto.

The Act required, as one of the grounds for considering the approval of a proposed plan of subdivision, its conformity with "any general plan which has been adopted or approved by the Council of the City in accordance with which it is contemplated that the city suburbs (within 5 miles of the city) shall be laid out ...".

However, it seems at the time that there was no general legislation in effect in Ontario explicitly empowering municipal councils to adopt or approve such general plans.

TO BE CONTINUED

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PEOPLE

- Jim Kirk was appointed Deputy Planning Commissioner for Richmond Hill in early August. He was previously a senior planner with the Town of Markham.
- On June 1, 1985, Ted Halwa, who was manager of the planning group with MacLaren Plansearch, established his own firm, Ted Halwa and Associates, in London.
- After three years as Secretary and Chief Administrative Officer of the Ontario Municipal Board, Dave Henderson is now Director of the Supreme and District Court Services Branch, Ministry of the Attorney General.
- Gerard Gervais, who was Commissioner of Economic Development for the Region of Durham, has formed the Maxion Corporation with two partners, offering services to the real estate development industry. Gerard had previously worked for Marshall, Macklin, Monaghan and the Equity Development Group.
- Following Keith Bain's retirement, Gerry Fitzpatrick is now Policy Co-ordinator of the Office of Local Planning Policy at the Ministry.
- John Uliana, formerly the County Planner for Lennox and Addington, has formed a consulting firm, J. Uliana and Associates, located in Bath.
- Bryan Weir has been appointed County Planner for the United Counties of Stormont, Dundas and Glengarry, succeeding Chuck Miller.
- We were saddened to learn of the death of Kunio Hidaka in June. Kunio was one fourth of the first graduating class in planning at U. of T. He was in charge of subdivision approvals in the Community Planning Branch of the Ontario Department of Planning and Development before becoming Director of Planning for Markham Township and later the Region of York's planning advisor to the Town of Newmarket, prior to his retirement in 1983.

The next issue of the Planning Supplement to Back-ground is scheduled to appear in mid-January. If you have information for our "People" column, please call Pierre Beeckmans at (416) 585-6257 or drop him a line at

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